

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MAKE THE ROAD NEW YORK, *et al.*,

*Plaintiffs,*

v.

KEN CUCCINELLI, *et al.*,

*Defendants.*

**No. 19-cv-07993 (GBD)**

**MOTION FOR STAY OF INJUNCTION PENDING APPEAL**

Defendants respectfully move the Court to stay pending appeal the Court's order granting a nationwide preliminary injunction in this matter. For the reasons discussed in Defendants' Memorandum of Law in Support of Defendants' Motion for Stay of Injunction Pending Appeal, this Court should stay its preliminary injunction pending the resolution of the government's appeal. At a minimum, it should issue a stay limiting the effect of its injunction to Plaintiff States. Defendants conferred with Plaintiffs, who oppose this motion.

Dated: October 25, 2019

GEOFFREY S. BERMAN  
United States Attorney

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ALEXANDER K. HAAS  
Director, Federal Programs Branch

/s/ Joshua M. Kolsky  
ERIC J. SOSKIN  
Senior Trial Counsel  
KERI L. BERMAN  
KUNTAL V. CHOLERA  
JOSHUA M. KOLSKY, DC Bar No. 993430  
U.S. Dept. of Justice, Civil Division,  
Federal Programs Branch

1100 L Street, N.W., Rm. 12002  
Washington, DC 20001  
Phone: (202) 305-7664  
Fax: (202) 616-8470  
Email: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2019, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Joshua M. Kolsky  
JOSHUA M. KOLSKY